



Transforming Rehabilitation
Offender Rehabilitation Act 2014
BeNCH CRC

What has changed?

There are 3 main areas of change under the new Offender Rehabilitation Act (ORA). These are

- 1. Expansion of licence to offenders released from short sentences
- 2. New post-sentence supervision period
- 3. Changes to community order and suspended sentence order requirements

What does this mean?

Expansion of licence to offenders released from short term sentences and Post Sentence Supervision.

Prior to the implementation of ORA, offenders who received a custodial sentence of less than 12 months, were released from prison without any form of supervision from the probation service. The ORA changes this significantly in that this group will, on release, receive a period of licence and a period of Post Sentence Supervision (PSS). The two combined will always amount to a 12 month period.

Example 1

Mr X is sentenced to a 6 month prison sentence. On release he will be subject to licence for 3 months (licence period will always match the custody period) and the licence period will be 'topped up' by 9 months so that the total supervision period following release amounts to 12 months.

3 months custody

3 months licence

9 months PSS

Example 2

Ms Y is sentenced to a 2 month prison sentence, therefore 1 month will be served on licence and 11 months on PSS.

1 months custody

1 month licence

11 months PSS

It should be noted that there are different sanctions for breach of licence and breach of PSS. Under the licence period the option to recall to custody remains, this will be implemented by the probation provider, the final decision rests with the NOMS recall section.

Under the PSS period, immediate recall to custody is not available. Any breach action will be implemented by the probation provider and dealt with at a Magistrates court. The sanctions for breach are:

- The Court can choose to do nothing
- It can impose a fine up to level 3 (£1,000)
- It can commit an offender to prison for up to 14 days
- It can impose a “supervision default order” which can be either:
 - - Unpaid work
 - - An electronically-monitored curfew
- The court can only impose one of these sanctions at a time.

Young Offenders, how does this affect them?

- Prior to the implementation of ORA, those who met the criteria for 'young offenders' (18 - 20 years old) who were sentenced to a custodial period of under 12 months, were automatically made subject to a 'notice of supervision' period of 3 months. This will no longer apply.
- The extension of supervision will apply to all offenders sentenced to custody who are 18 or over at the point of release, including offenders sentenced to juvenile sentences. The Act will enable either CRCs, the NPS or YOTs to supervise those aged 18 or over.

Changes to community orders and suspended sentence order requirements.

At present all offenders who are sentenced to a community order have specified activities attached to that order, such as supervision and programme attendance. Under the RAR, requirements no longer need to be specified.

Sentencing

The court decides: first whether it is appropriate to impose the RAR and the maximum number of days the offender can be directed to participate in activities. Although the court must state the maximum number of days there is no statutory limit in this (in contrast to the current 60 day limit for the activity requirement). There is also no minimum, and the court does not specify when activity must take place.

Supervision

The responsible officer decides: who and where the offender should attend appointments with; what the activities are, who the offender should report to for the activities and where they will take place. The instructions to participate in activities must be given “with a view to promoting the offender’s rehabilitation”, but that does not prevent them serving other purposes, including reparation (including restorative justice activities). Accredited programmes may also form part of the activities.

- **Case Example**

- X appears before the court for offences of Theft, Assault PC and Breach of ASBO.

- Report is prepared which indicates a Low RoSH and RSR = 4.0

- **Court**

- Sentenced to a Community Order for 2 years with RAR of 100 days:

- Supervision Appointments

- Rehabilitative Activities – 10 Motivational Days, 10 Victim Awareness Days, 20 Citizenship Programme Days, 10 Relationship 1-2-1 days, 10 Employment Support Days and 10 Accommodation and Tenancy Support Days = 70 Days

- Mentor Support (not enforceable)

- This gives significant flexibility to the probation provider to tailor the interventions to meet the identified and often dynamic need. It is much less restrictive than the previous orders that had to contain specified activities that, if a change was required, would have to be returned to court for that change to be made.

Finally

- The Act toughens up the requirements that relate to residence and are designed to stop offenders moving around to avoid supervision rehabilitation activities. There is a new duty on the offender to inform and seek permission (from the RO) for a move before moving - not to notify after moving as is the current position.
- The power to refuse permission are limited
- To where move will prevent offender complying with requirement
- where move would hinder rehabilitation
- If RO refuses to allow move offender can apply to court.